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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/773,047	01/29/2001	Jennie Ching	1501P/BC999066	7262

7590 10/31/2006  
SAWYER LAW GROUP LLP  
P.O. Box 51418  
Palo Alto, CA 94303

EXAMINER

BUI, KIEU OANH T

ART UNIT	PAPER NUMBER
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2623

DATE MAILED: 10/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/773,047	CHING ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	KIEU-OANH BUI	2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 22 May 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 48-81 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 48-55, 58, 59, 61-66, 69, 71-76, 79 and 80 is/are rejected.
- 7) ☒ Claim(s) 56-57, 60, 67-68, 70, 77-78, 81 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Response After Pre-Appeal Decision***

1. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

### ***Remarks***

2. Claims 1-47 have been previously canceled. Pending claims are claims 48-81 (similar limitations of original claims 1-47) for reconsideration.

### ***Response to Arguments***

3. Applicant's arguments with respect to claims 48-81 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

*(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.*

5. Claims 48-49, 61 and 71 are rejected under 35 U.S.C. 103(a) as being unpatentable over Peled et al. (U.S. Patent Pub 2002/0016831 A1) in view of Rowe (U.S. Patent 6,792,615 B1).

Regarding claims 48-49, 61 and 71, Peled discloses "a method for object retransmission without a continuous network connection in a digital media distributor system, the method comprising the steps of: transmitting a plurality of objects from a central site to each of a plurality of receivers in a zone; receiving a response document from each of the plurality of

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receivers, each response document being asynchronously transmitted from the respective receiver to the central site; and determining which of the plurality of objects to retransmit to the receiver based upon the response documents”, i.e., user 102 or receiver 102 receives a plurality of offering products and services from vendor 101 via a central site ISP 107 (Fig. 1), yet he/she chooses or selects to order only a preferred item(s) or object(s) from the vendor, and the user’s request is responded by the vendor based on the requested object or item, see page 1, par. 0009-0011, page 7/par. 0187-0189).

Peled does not clearly disclose “determining which objects to retransmit to a zone, the zone including a plurality of receivers; and determining which objects to retransmit to the receiver”; however, this technique is taught by Rowe, in a system for delivering streaming media to a plurality of receivers, as Rowe teaches the objects or media files are determined by the headend or retransmission stations for retransmit to the users based on their requests and to their locations (refer to col. 5/lines 12-23, col. 5/line 59 to col. 6/line 5 & col. 6/line 49 to col. 7/line 6).

Therefore, it would have been obvious to one of ordinary skill in the art to modify Peled’s system with Rowe’s teaching technique as disclosed in order to deliver the objects or media files to the user at any given time to their specific locations.

6. Claims 50-55, 58-59, 62-66, 69, 72-76, and 79-80 are rejected under 35 U.S.C. 103(a) as being unpatentable over Peled et al. (U.S. Patent Pub No. 2002/0016831 A1) in view of Rowe et al (US Patent 6,792,615 B1) and Allen et al. (U.S. Patent No. 5,892,535).

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As for claim 50, Peled does not further including the step of “wherein the plurality of objects further comprises asset files and system support files, wherein the asset files are media files and the system support tiles further include an upcoming playlist”; however, this technique is taught by Allen as Allen provides a distribution network for media delivery to different zones, and the system determines which objects to retransmit to a zone, which comprises a plurality of receivers, and plurality of objects further comprises asset files and system support files, wherein the asset files are media files and the system support tiles further include an upcoming playlist (refer to Allen, Figs. 2, 11b & 15 for zone 1414, and col. 10/lines 15-42, col. 11/line 45 to col. 12/line 30 for media files, server, distribution to users; and col. 32/lines 10-21 for a playlist addressed). Therefore, it would have been obvious to one of ordinary skill in the art to modify Peled’s system with Allen’s teaching features as noted in order to provide a system and a method for determining in redistribution from the central server to the receivers according to zones and based mainly in asset files and system support files, wherein the asset files are media files and the system support tiles further include an upcoming playlist as preferred.

As for claims 51-55, 63-66, and 72-76 these steps simply refer to the scheduling process wherein the media file is being requested, compared against the inventory, making lists for redistribution, checking any missing files within the receiver for delivering processes, and generating log or list of delivered files (refer to col. 39/line 42 to col. 43 line 10 for scheduling and verification, checking processes addressed).

As for claims 58-59, 61-66, 69, and 79-80, in further view of claim 50, Allen further teaches to include a content file list, and the Content File List listing a receiver’s inventory of objects, with further steps managing the inventory as purge list and content file list to an

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inventory of objects in and not in the zone (Figs. 15-16, and col. 39/line 30 to col. 40/line 64 for scheduling processes in maintaining the inventory of objects within local receivers and within the database server).

***Allowable Subject Matter***

7. Claims 56-57, 60, 67-68, 70, 77-78 and 81 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8. The following is a statement of reasons for the indication of allowable subject matter:

The prior art of record does not further teach the methods as of claims 48, 61, 71 AND further includes the steps as disclosed in claims 56-57, 60, 67-68, 70, 77-78 and 81.

***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Pajakowski et al. (US Patent 6,718,425 B1) disclose a system related to retransmission objects to users.

10. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**or faxed to PTO New Central Fax number:**

(571) 273-8300, (for Technology Center 2600 only)

*Hand deliveries must be made to Customer Service Window,  
Randolph Building, 401 Dulany Street, Alexandria, VA 22314.*

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11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Krista Kieu-Oanh Bui whose telephone number is (571) 272-7291. The examiner can normally be reached on Monday-Friday from 9:30 AM to 7:00 PM, with alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Miller, can be reached at (571) 272-7353.

The Art Unit location of your application in the USPTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Division or Art Unit 2623.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'K. Bui', with a long horizontal line extending to the right.

Kieu-Oanh Bui  
Primary Examiner  
Art Unit 2623

KB

October 27, 2006